

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

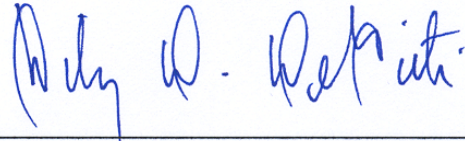
DAVID RODNEY BEAVERS, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. CIV-11-1442-D
)	
LENNIERE VICTORIAN, <i>et al.</i> ,)	
)	
Defendants,)	
)	
and)	
)	
GREAT WESTERN LEASING & SALES,)	
INC.,)	
)	
Third Party Plaintiff,)	
)	
v.)	
)	
JFM SERVICES, INC., <i>et al.</i> ,)	
)	
Third Party Defendants.)	

ORDER

On September 25, 2012, Plaintiffs filed their Second Amended Complaint, which supersedes the First Amended Complaint. *See Mink v. Suthers*, 482 F.3d 1244, 1254 (10th Cir. 2007). Certain defendants had filed motions seeking dismissal or partial dismissal of the First Amended Complaint under Fed. R. Civ. P. 12(b)(6). *See* Def. Bee-Line Delivery Service, Inc.'s Partial Mot. Dism. [Doc. No. 111]; Mot. Dism. of Defs. Gulf Delivery Sys., Inc. and Bee-Line Transp. Inc. [Doc. No. 121]. Subsequently, the movants filed motions in response to the Second Amended Complaint that simply incorporate by reference their previous arguments. *See* Def. Bee-Line Delivery Service, Inc.'s Partial Mot. Dism. [Doc. No. 155]; Defs. Gulf Delivery Sys., Inc. and Bee-Line Transp. Inc.'s Mot. Dism. [Doc. No. 156]. Accordingly, because the movants' arguments for dismissal will be considered in ruling on subsequent motions, the Court finds their initial motions are moot.

IT IS THEREFORE ORDERED that Defendant Bee-Line Delivery Service, Inc.'s Partial Motion to Dismiss [Doc. No. 111] and the Motion to Dismiss of Defendants Gulf Delivery Systems, Inc. [Doc. No. 121] are DENIED, as set forth herein.

IT IS SO ORDERED this 28th day of November, 2012.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE